

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STEVE MICHAEL COX,  
Plaintiff,

v.

GREGORY W. SMITH, *et al.*,  
Defendants.

3:11-cv-00539-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#143<sup>1</sup>) entered on April 19, 2013, recommending granting Defendants' Motion for Summary Judgment (#110) filed on November 16, 2012. Plaintiff filed his Objections to (WGC) Magistrate's (#143) Reports\Recommendations (#145) on May 1, 2013, and Defendants filed their Response to Plaintiff's Objections to Report and Recommendation (#146) on May 10, 2013. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the response of the Defendants, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. Plaintiff has

<sup>1</sup>Refers to court's docket number.

1 made no substantive response to the Magistrate's Report and Recommendation and provided no  
2 substantive explanation of his failure to respond to Defendants' Motion for Summary Judgment.

3 Good cause appearing, the Court determines that the Magistrate Judge's Report and  
4 Recommendation (#143) entered on April 19, 2013, should be adopted and accepted.

5 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation  
6 (#143) entered on April 19, 2013, is adopted and accepted, and Defendants' Motion for Summary  
7 Judgment (#110) is **GRANTED in favor of Defendants McDaniel and Koehn in Count II.**

8 IT IS FURTHER ORDERED that Count V of Plaintiff's Amended Complaint, asserted against  
9 defendants Cruse, Whittington, Nicholas, Bannister, Donaldson, Jacobs, Smith, Byrne, Habberfield,  
10 Skolnik, and Cox is **DISMISSED without prejudice.**

11 IT IS SO ORDERED.

12 DATED this 29th day of June, 2013.



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14 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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